



JC10 Rec'd PCT/PTO 28 JAN 2002 PCT #3
09/890709

EXPRESS MAIL NO.: EL 477 034 050 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Herr et al.

Application No.: 09/890,709

Group Art Unit: To be assigned

Filed: July 31, 2001

Examiner: To be assigned

For: METHODS AND COMPOSITIONS
FOR MODULATING FERTILITY

Attorney Docket No.: 9426-015

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.
371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) ("Notice"), which was mailed on November 27, 2001 (a copy of which is attached hereto), Attorneys for Applicants respectfully submit herewith an original Declaration and Power of Attorney executed by John C. Herr, Arabinda Mandal, Michael Wolkowicz and Kenneth Klotz on January 8, 2002, January 8, 2002, January 8, 2002 and January 9, 2002, respectively. Further, Attorneys for Applicants authorize payment of the additional \$270.00 in claims fees, as required in the Notice, by authorizing the charge to Pennie & Edmonds LLP Deposit Account No. 16-1150.

Also submitted herewith is (a) an executed Power of Attorney by Assignee and Exclusion of Inventor(s) Under 37.C.F.R. 3.71 by John P. Breen, In-house-Patent counsel for The University of Virginia Patent Foundation; (b) paper and computer-readable copies of the Sequence Listing in accordance with 37 C.F.R. § 1.821; and (c) a Transmittal of Sequence Listing. Additionally, under separate cover, Attorneys for Applicants concurrently submit an Assignment of the inventors' rights to the University of Virginia, and an Assignment of the University of Virginia's rights to the University of Virginia Patent Foundation.

02/05/2002 MNGUYEN 00000114 161150 09890709

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280.00 CH

The fee required to be filed with the accompanying Declaration and Power of Attorney has been estimated to be \$130.00. Please charge required fees, including the \$270.00 claims fees, to Pennie & Edmonds LLP Deposit Account No. 16-1150. A duplicate of this sheet is enclosed for accounting purposes.

Respectfully submitted,

Date: January 28, 2002

by William T. Quinn
REG NO 40,203
Geraldine F. Baldwin 31,232
Geraldine F. Baldwin (Reg. No.)

PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036-2711
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U.S. APPLICATION NUMBER NO. 09/890,709	FIRST NAMED APPLICANT John C. Herr	ATTY. DOCKET NO. 9426-015
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INTERNATIONAL APPLICATION NO. PCT/US00/02675

I.A. FILING DATE 02/01/2000	PRIORITY DATE 02/01/1999
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Geraldine F Baldwin
Pennie & Edmonds
1155 Avenue Of The Americas
New York, NY 10036-2711

CONFIRMATION NO. 6148

371 FORMALITIES LETTER



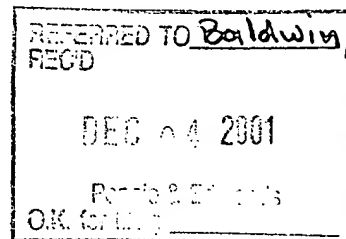
Oath or Decl / Seq Listing / Fees 1/27/02
EB

Date Mailed: 11/27/2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- o U.S. Basic National Fees
- o Priority Document
- o Copy of the International Application
- o Copy of the International Search Report
- o Oath or Declaration
- o Preliminary Amendments
- o Request for Immediate Examination



2421

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- o Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- o The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - This application does not contain a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
 - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
 - APPLICANT MUST PROVIDE:

- An initial or substitute computer readable form (CRF) of the "Sequence Listing."
 - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Additionally the following defects have been observed:

- Additional claim fees of **\$270** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$270** for a Large Entity:

- Total additional claim fee(s) for this application is **\$270**
 - **\$270** for multiple dependant claims surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

JOHN L ANDERSON

Telephone: (703) 308-9116

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/890,709	PCT/US00/02675	9426-015